

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|----------------------------------|---|-----------------------------------|
| HAROLD LEAPHART, | : | Civil No. 1:21-CV-1293 |
| | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | (Magistrate Judge Carlson) |
| | : | |
| WILLIAM CAMPBELL, et al., | : | |
| | : | |
| Defendants. | : | |

ORDER

For the reasons set forth in the accompanying Memorandum Opinion, the defendants' motion for summary judgment (Doc. 45) is GRANTED, in part, and DENIED, in part as follows:

First, any claims premised upon alleged verbal harassment of the plaintiff are DISMISSED.

Second, all medical deliberate indifference claims are DISMISSED.

Third, the excessive force claims against Defendants Kirsch, Long, Booher, and Sosak are DISMISSED.

The summary judgment motion is DENIED with respect to excessive force claims against Defendant Merritts arising out of allegedly prolonged use of

chemical agents or positional asphyxia of the plaintiff, and as to these claims the motion is also DENIED with respect to Defendant Campbell.

IT IS FURTHER ORDERED that the parties shall consult, confer, and notify the court on or before **July 28, 2023**, whether they wish to pursue mediation or settlement discussions in this case.

S/Martin C. Carlson

Martin C. Carlson

United States Magistrate Judge

DATED: June 29, 2023